

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

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FILE UNDER SEAL

UNITED STATES OF AMERICA,

Plaintiff,

RAFAT JAMAL MAWLAWI,
JANET NETTERS AUSTIN,
MHAMMED KABOUCHI,

Defendants.

No. 05-20111-B-V

8 U.S.C. § 1325(c)
18 U.S.C. § 371
18 U.S.C. § 2

Robert R. Di Trollo
CLERK U.S. DIST. CT.
W.D. OF TN. MEMPHIS

INDICTMENT

THE GRAND JURY CHARGES:

At all times material to this indictment:

- A. **Rafat Jamal Mawlawi** was a citizen of the United States.
- B. **Janet Netters Austin** was a citizen of the United States.
- C. **Mhammed Kabouchi** was a citizen of Morocco.

COUNT 1

D. Beginning in or about July 2002, the exact date being unknown to the Grand Jury, and continuing until the present in the Western District of Tennessee and elsewhere, the defendants,

-----**RAFAT JAMAL MAWLAWI**-----
-----**JANET NETTERS AUSTIN**-----
and
-----**MHAMMED KABOUCHI**-----

did unlawfully, willfully, and knowingly, conspire, combine, confederate, and agree with each other and other persons known and unknown to the Grand Jury, to commit certain offenses against the United States of America, that is:

①

1. To make materially false, fictitious, and fraudulent statements and representations and make and use false writings and documents knowing the same to contain materially false, fictitious and fraudulent statements and entries, in a matter within the jurisdiction of the Immigration and Naturalization Service, a department of the government of the United States, in violation of Title 18, United States Code, Section 1001.
2. To knowingly make under oath, and as permitted under penalty of perjury under section 1746 of title 28, United States Code, knowingly subscribe as true, false statements with respect to material facts in applications, affidavits, and other documents required by the immigration laws and regulations prescribed thereunder, and knowingly present such applications, affidavits, and other documents which contain false statements and which fail to contain a reasonable basis in law and fact in violation of Title 18, United States Code, Section 1546.

OBJECT, MEANS AND METHOD OF THE CONSPIRACY

E. It was the object of the conspiracy that the defendants and co-conspirators unlawfully obtained, and attempted to obtain a non-immigrant visa, immigrant visa and lawful permanent resident alien status from the Immigration and Naturalization Service (Department of Homeland Security) on behalf of defendant **Mhammed Kabouchi**.

F. To accomplish the object of the conspiracy, **Rafat Jamal Mawlawi** recruited **Janet Netters Austin** to travel to Morocco, enter into a sham marriage engagement with **Mhammed Kabouchi**, and to produce fraudulent applications for fiancé visas in order to allow **Mhammed Kabouchi** to unlawfully come to, enter, and reside in the United States.

G. The defendants did this for their own personal gain, benefit, profit, advantage, and accommodation.

Overt Acts

H. In furtherance of the conspiracy and to effect the objects thereof, at least one of the following overt acts was committed by at least one of the co-conspirators:

1. On or about June 25, 2002, **Janet Netters Austin** traveled from Memphis, Tennessee to Morocco.
2. On or about September 9, 2002, **Rafat Jamal Mawlawi** wrote, and caused to be written, check # 667, payable to Mid-South Fair, and drawn on First Tennessee Bank Account #100152476, in the amount of \$725.00.
3. On or about September 20, 2003, **Janet Netters Austin** filed, and caused to be an I-129F, Petition for Alien Fiancé with the Department of Homeland Security.
4. On or about April 23, 2003, **Rafat Jamal Mawlawi** and **Janet Netters Austin** filed, and caused to be filed, an I-864, Affidavit of Support with the Department of Homeland Security.
5. On or about April 28, 2003, **Rafat Jamal Mawlawi** wrote, and caused to be written, check # 669, payable to **Janet Netters Austin**, and drawn on First Tennessee Bank Account #100152476, in the amount of \$1,000.00.
6. On or about January 14, 2004, **Janet Netters Austin** was wedded to **Mhammed Kabouchi**.
7. On or about January 28, 2004, **Rafat Jamal Mawlawi** wrote, and caused to be written, check # 1111, payable to **Janet Netters-Austin**, and drawn on First

Tennessee Bank Account #100152476, in the amount of \$500.00.

8. On or about April 1, 2004, **Mhammed Kabouchi** filed, and caused to be filed, an I-485, Application to Adjust Status with the Department of Homeland Security.

9. On or about July 27, 2004, **Rafat Jamal Mawlawi** wrote, and caused to be written, check # 1269, to **Janet Netters-Austin**, and drawn on First Tennessee Bank Account #100152476, in the amount of \$400.00.

All in violation of Title 18, United States Code, Section 371.

COUNT 2

On or about January 14, 2004, in the Western District of Tennessee, the
defendants,

----- JANET NETTERS AUSTIN -----
and
----- MHAMMED KABOUCHE -----

being aided and abetted each by the other, did knowingly enter into a marriage for the
purpose of evading provisions of the immigration laws of the United States; in violation
of Title 8, United States Code, Section 1325(c) and Title 18 United States Code,
Section 2.

DATED: 3-31-05


UNITED STATES ATTORNEY

A TRUE BILL:


FOREPERSON